

SENATE No. 25

The Commonwealth of Massachusetts

PRESENTED BY:

Michael R. Knapik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

A proposal for a legislative amendment to the constitution relative to the certification of judges.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael R. Knapik	Second Hampden and Hampshire
Chief Anthony Scott	Holyoke Police Department 138 Appleton St Holyoke, MA 01040
Richard R. Tisei	Middlesex and Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

PROPOSAL for a legislative amendment to the Constitution relative to the election of judges.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

1 Pt. 2, c. 3, Article I of the Constitution is hereby amended as follows:

2 “Article I. The tenure that all commissioned officers shall by law have in their office,
3 shall be expressed in their respective commissions. All judicial officers, duly appointed,
4 commissioned and sworn, shall hold their offices for a period of six years. After the expiration of
5 the initial six year term, the judicial officer, if he or she so chooses, shall have his or her name
6 placed upon the ballot, in the County where they have been seated for the majority of six years,
7 for a vote of affirmation. If the judicial officer chooses not to place his/her name upon the ballot
8 his/her term shall immediately end and he or she can not be considered for appointment to any
9 judicial position. If the judicial officer’s name is placed upon the ballot and receives a majority
10 vote of all votes cast he or she shall be reappointed for an additional six year period. If the
11 judicial officer fails to receive a majority vote he or she shall not be eligible for reappointment to
12 any judicial position. Should the judicial officer receive a vote of affirmation he or she will be
13 eligible for a reappointment in like manner every six years thereafter. Provided however, the

14 Governor, with consent of the Council, may after due notice and hearing retire them because of
15 advanced age or mental or physical disability; and provided further, that upon attaining seventy
16 years of age said judges shall be retired. Such retirement shall be subject to any provisions made
17 by law as to pensions or allowances payable to such officers upon their voluntary retirement.

18 The Clerk Magistrate in the County where a judicial officer's name is placed upon the
19 ballot, shall publish the judicial officer's sentencing and bail setting record on all F.B.I. Part I
20 offenses for the previous six years in all County newspapers, on public access television
21 channels within said County and post in all county courthouses. This shall be published a
22 minimum of three weeks prior to the judicial officer's name being placed on the ballot.

23 Immediately upon ratification of this amendment to the Massachusetts Constitution, all
24 judicial officers who are presently judges shall have their names placed on the ballot in the
25 County where they are presently seated at the first statewide election for a vote of affirmation.”